

SENATE BILL No. 468

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-23-5-9.

Synopsis: Protection of transportation corridors. Establishes notice and hearing procedures for the Indiana department of transportation to establish rights-of-way for additions to the state highway system.

Effective: July 1, 2007.

Landske

January 11, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 468

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-23-5-9 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 9. (a) The department may establish the approximate**
4 **locations and widths of rights-of-way for additions to the state**
5 **highway system.**

6 **(b) If the department establishes the approximate locations and**
7 **widths of rights-of-way for an addition to the state highway system**
8 **under subsection (a), the department shall conduct a public**
9 **hearing in at least one (1) county in which a right-of-way is located.**
10 **The department shall publish notice of a hearing in one (1)**
11 **newspaper of general circulation in each county in which a hearing**
12 **will be conducted at least ten (10) days before the hearing.**

13 **(c) The department shall prepare a map showing the**
14 **approximate location and width of each right-of-way for a**
15 **proposed addition. The map shall display the following:**

16 **(1) Existing highways in the area of the addition.**

17 **(2) Property lines and owners of record of property to be**



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acquired for the rights-of-way.

(3) Other information determined necessary by the department.

The department shall approve the map, with changes, if applicable, at the public hearing conducted under subsection (b). The department shall record the approval and a copy of the map in the office of the recorder of each county in which land to be acquired is located.

(d) The department shall:

(1) publish notice of a recording in one (1) newspaper of general circulation in each county in which a recording is made; and

(2) not more than sixty (60) days after a recording is made, send notice of the recording by certified mail to all owners of record of property to be acquired.

(e) The department may approve and record changes to the map without a hearing. The department shall provide notice of a recording under this subsection according to subsection (d).

(f) The owner of property to be acquired for a right-of-way must give at least sixty (60) days notice by registered mail to the department before developing or otherwise improving the property. However, the owner may perform normal or emergency repairs to existing structures on the property without notice to the department.

(g) The department shall respond within forty-five (45) days after receiving notice under subsection (f) of the department's intent to acquire the property. The department shall:

(1) purchase; or

(2) exercise the right of eminent domain to acquire;

the property not more than one hundred twenty (120) days after responding under this subsection.

(h) An owner of property to be acquired for a right-of-way may not receive damages for any development or improvement under subsection (f) unless the department fails to purchase or exercise the right of eminent domain to acquire the property under subsection (g).

(i) The state or a county or municipality in which an addition is located may acquire a right-of-way needed for the addition at any time. The fair market value of the property shall be determined as follows:

(1) If the property is purchased, the fair market value on the date of purchase.

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1 (2) If the property is acquired by eminent domain, the fair
2 market value on the date on which the complaint in
3 condemnation was filed.
4 **However, if the property is agricultural land, the fair market value**
5 **shall be determined under IC 32-24-1.**

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